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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,107	02/27/2002	Kenji Kondo	5077-000087	6824

27572 7590 03/08/2006

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EXAMINER

AKHAVANNIK, HADI

ART UNIT PAPER NUMBER

2621

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/084,107	KONDO ET AL.	
	Examiner	Art Unit	
	Hadi Akhavannik	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,7,14 and 15 is/are rejected.
- 7) ☒ Claim(s) 3-6, 8-13 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/27/02</u> , <u>7113104</u> | 6) <input type="checkbox"/> Other: ____ |

Response to Arguments

1. Examiner apologizes for not including the IDS filed on 2/27/02. It has been considered and is included with this action.
2. Examiner thanks applicant for amending the drawings and title. Objections are withdrawn.
3. Regarding claims 1-2, 7 and 14-15, Applicant's arguments filed 11/15/05 have been fully considered but they are not persuasive. On page 9 of the remarks the Applicant argues that Daugman does not disclose using frequency selection. However, as described in the previous rejection, Daugman uses Gabor filters. Gabor filters are band pass filters that allow the user to select a frequency.

Regarding claim 7, the argument on page 10 states that, in Daugman, the selection of the frequency is not based on authentication precision. Examiner believes that when the iris codes depend on the frequency and the precision of the iris codes is taken into account.

4. Applicant's arguments, see pages 9-11 filed 11/15/05, with respect to claims 3-6 and 8-13 have been fully considered and are persuasive. The rejection of claims 3-13 has been withdrawn. The claims are now objected to as being dependent on a rejected claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-2, 7 and 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Daugman (5291560).

Regarding claims 1 and 14, Daugman discloses a personal authentication method and device that uses biological information (column 2 lines 31-34 and figure 1 describe how to use an iris).

Biological information is frequency-analyzed using a plurality of frequencies to generate the feature at each frequency and register the feature (Column 18 lines 18-21 disclose that the Gabor coefficients that set the frequency range of the Gabor filter can be set to multiple scales of analysis. Column 11 lines 5-25 disclose the equations that make up the Gabor filter, which includes the Gabor coefficients. Figure 3 discloses that Gabor filters can have different ranges. Figure 1 items 20, 22, 24 and column 4 line 53 to column 5 line 11 disclose that a feature is generated and stored).

Selecting a frequency used for frequency analysis for authentication from a plurality of frequencies (See reasoning of Gabor filters frequency coefficients and frequency range above and Figure 3 Item 18, column 4 lines 55-59, column 8 lines 49-55, and column 9 line 53 to column 9 line 22 which discloses that an analysis band is chosen and it is analyzed using Gabor filters).

Performing frequency analysis of acquired biological information of a person to be authenticated using selected frequency to generate a feature for the frequency (See discussion of Gabor filters frequency coefficients and frequency range above and Figure 1 items 20, 22, 24, figure 2, and column 4 line 53 to column 5 line 11 disclose that a feature is generated by way of an identification code at each analysis band which is analogous to a frequency due to the way Gabor filters function).

Comparing generated feature with the feature generated for the same frequency during the registration to perform personal authentication (figure 1 item 24, 26, 28, 30 and column 4 lines 60-70 disclose that an iris code is registered and compared to make an identification).

Regarding claims 2 and 15, Daugman discloses that the biological information used is an iris of the eye (figure 1 item 12, 14, figure 2, and column 2 lines 50-70 disclose that the iris of the eye is used as biological information).

Regarding claim 7, Daugman discloses that the selection of the frequency during authentication is performed based on authentication precision for each combination of plurality of frequencies (see discussion of Gabor filter frequency above and column 10 line 60 to column 11 line 25 disclose that the iris code, which determines authentication, is determined by the response of the Gabor filter over the portion of the iris. The Gabor filter determines which frequency to select from a range of frequencies and what precision to look for based on the equation that makes up the Gabor filter).

Allowable Subject Matter

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2. Claim 3-6 and 8-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hadi Akhavannik whose telephone number is 571-272-8622. The examiner can normally be reached on 10:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on (571)272-7695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JOSEPH MANCUSO
SUPERVISORY PATENT EXAMINER